

United States District Court, Northern District of Illinois

(9)

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge If Other than Assigned Judge	
CASE NUMBER	02 C 6719	DATE	12/12/2002
CASE TITLE	William B. O'Connell, Jr. Vs. The Judicial Dept etc. et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. The complaint alleges that the primary defendants include the sitting judges in the Second Judicial District and the Supreme Court of New Mexico. The State of New Mexico now moves to dismiss. That motion is granted.
- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.	1800 JONISD '0N U.S. DISTRICT COURT 02 DEC 12 PM 3:05 FILED-ED 10 Date/time received in central Clerk's Office	number of notices	Document Number 8
No notices required.		DEC 12 2002 date docketed	
Notices mailed by judge's staff.		APR docketing deputy initials	
Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
<input checked="" type="checkbox"/> Mail AO 450 form.			
Copy to judge/magistrate judge.			
WAH	courtroom deputy's initials		

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAM B. O'CONNELL, JR.,)	
)	
Plaintiff,)	
)	
vs.)	No. 02 C 6719
)	
THE JUDICIAL DEPARTMENT, United States)	
of America, Individually; A MAXIMUM)	
QUORUM OF THE CONGRESS, United States)	
of America, Individually; THE JUDICIAL)	
DEPARTMENT, State of New Mexico,)	
Individually,)	
)	
Defendants.)	

DEC 12 2002

MEMORANDUM OPINION AND ORDER

Plaintiff sues, among others, "The Judicial Department, State of New Mexico, Individually." The complaint alleges that the primary defendants include the sitting judges in the Second Judicial District and the Supreme Court of New Mexico. The State of New Mexico now moves to dismiss. That motion is granted.

New Mexico contends that the Eleventh Amendment deprives this court of jurisdiction, plaintiff does not have standing, this court does not have personal jurisdiction over the State of New Mexico, the complaint fails to state a claim for which relief may be granted, improper venue, and lack of sufficient service of process. New Mexico assumes that a suit against "The Judicial Department" is a suit against the state, and it is probably correct (no individual judges are named as defendants). And if it is correct, then every one of its contentions is also correct (with the possible exception of standing), and it need be correct on only one to doom plaintiff's complaint. If plaintiff means to sue individual judges, then the Eleventh Amendment is not

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a defense, but judicial immunity is, and the other grounds for dismissal apply equally to them.

Dec. 12, 2002.



JAMES B. MORAN
Senior Judge, U. S. District Court

United States District Court
Northern District of Illinois
Eastern Division

William B. O'Connell, Jr.

JUDGMENT IN A CIVIL CASE

v.

Case Number: 02 C 6719

The Judicial Department et al.

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that the State of New Mexico now moves to dismiss. That motion is granted.

Michael W. Dobbins, Clerk of Court

Date: 12/12/2002


Willie A. Haynes, Deputy Clerk